

VOLUME FIFTEEN.

## CHARGE IS GIVEN BY THE COURT

Testimony in Bond Damage Case is Closed and Judge Clark Delivers Instructions to the Jury

## BURDEN ON WOMAN TO PROVE ASSAULT

Character Evidence No Defense—May Prove Conspiracy Directly or Indirectly But Woman Must Be Party

Telegram by United Press.

Oklahoma City, Feb. 17.—Following the completion of the testimony in the bond damage case this morning, Judge Clark instructed the jury that the burden was upon Mrs. Bond to prove her allegation that Gore assaulted her by evidence which was entitled to be of greater weight than that of the defense.

The existence of a conspiracy to secure political preferment from Gore, the court said, might be proved by direct or circumstantial evidence, nor was it necessary to prove the time or place where the agreement was formed.

The court said that the character evidence against Mrs. Bond was not competent as a defense, but could be used only to determine her credibility as a witness.

Judge Clark directed that a verdict be returned for the plaintiff if the jury found that Gore laid hands on the woman without her consent, or believing she would consent.

If the evidence showed conspiracy to "present opportunity" to the defendant and if Gore did commit the assault as alleged, but that Mrs. Bond was not a party to the conspiracy, the court charged, it could not be considered as a defense or in mitigation of the damages.

All the acts of the alleged conspirators not done in Mrs. Bond's presence should be disregarded unless she was involved, said the judge, for she could not be held responsible for an act not in done in her presence or at her instance. If she was a conspirator, the acts and declarations of others in the plot might be considered as her acts.

"Unless you find that the defendant threw her on the bed, you should return a verdict for the defendant," said the court.

Under the law nine jurors may render a verdict. E. J. Giddings began the argument for Mrs. Bond and he was followed by Moman Pruitt for the defense. Six hours were allowed each side for arguments.

Senator Gore received score of telegrams today from friends over the country offering him sympathy and aid.

After Judge Clark had ruled that depositions bearing upon Gore's past life could not be introduced, the senator resumed the stand again at 2:45 Monday afternoon and Attorney Giddings asked:

"Is it not a fact, senator, that you knew Dr. Eary related to Hubert Bolen, and to Rev. Linebaugh practically the same story you heard Dr. Eary relate here on the stand?" Gore replied, "I did not."

Senator Gore said that after March 22 he first saw Bolen in Oklahoma City, about August 9 or 10, and the next time in October of the same year, and said that he did not at that time entertain the idea of giving any appointment to Eary. Senator Gore said "there was no hostility between Eary and myself so far as I know up to September 19, 1913. I never promised him anything within my control," said Gore.

Gore was asked by Attorney Giddings, "Did you write to S. P. Bender and tell him that you intended to take care of Eary about August 13?" Gore denied that he had promised Eary anything and Giddings read the letter from Gore to Bender.

The letter was as follows: "Tell Dr. Eary that I am sorry I did not have time to talk with him while he was in Washington. He is an uncommonly modest man. I have not promised the marshaling. There has been a mistake somewhere."

Senator Gore then said the mistake

## Practicable Park Plan is Proposed

Showing her faith by her works, a Chickasha woman who called at the Daily Express office said, "I think now is the best time possible to do something toward furthering the park movement in our city and here is a dollar that I want to contribute to it."

Outlining her ideas further, the visitor said, "I think the citizens of Chickasha could well afford to spend at least a few hundred dollars in improving the tract on which the city water tank stands and the half block at Sixth and Dakota, known as Vinca park, on which some work was done last year. We have to make a beginning somewhere and these two places will furnish a nucleus for a park system. For a comparatively small outlay we could convert these two places into real beauty spots which would be a source of pride and pleasure to all

our people. "I feel sure that many of our citizens would be glad to give a few dollars for this purpose and besides, the benefits we would get from the parks, we would be able to furnish employment to men needing work. Certainly we could not spend money in any better way at the present time. I think the teachers and the school children would take a lively interest in the movement and we could soon stir up a lot of park enthusiasm. My idea would be to call for volunteer contributions, giving everybody an opportunity to make a donation."

Now there is a concrete and practicable park proposition. What do you think of it? If you are in favor of it, let the Express hear from you and definite steps will be taken toward carrying it out.

to which he referred was a statement involving Al Shields of Enid and a party named Porter.

Gore said that after the trouble at the Winston hotel he went home and called up Mrs. Bond on the telephone and asked her "what did that mean down at the hotel" and that the phone became disconnected and he called her again a little before 3 o'clock Tuesday morning as she had told him at the hotel in the early part of the same night that she was remain over and leave on the 4 o'clock train which went by the Southern route.

He said he called her at that early hour in order to ask her again what the affair at the hotel meant. He said she replied, "everything is all right, you just trust it to me."

Referring to Gore's direct examination Giddings asked him if his counsel, A. C. Cruce, in outlining the case to the jury had stated that the defense would show that Mrs. Bond had taken hold of Gore's hand while in the room. Gore replied: "If my counsel made such a statement to the jury it was not in accordance with my directions."

Gore said that during the second phone conversation he stated to Mrs. Bond, "Robertson is not friendly with me" and that she replied again, "it is all right, just trust it to me, Robertson is a special friend of mine."

After Gore left the stand Mrs. Bond again took the stand and said that when Gore called her on the phone about 8 o'clock on the same night after the hotel trouble that she hung up the phone and refused to talk with him and did likewise during the second phone conversation about 3 o'clock in the morning.

Mrs. Bond said that until after her husband arrived in Washington that neither Jacobs nor Robertson ever were in her room. She denied also having told Newell the next morning after the trouble that she had other "strings she could pull" on Senator Gore in behalf of her husband's requested appointment.

Hubert Bolen was placed on the stand and said that he had gone to Gore and told him that he intended to take care of Dr. Eary in the office of internal revenue collector if possible and that Gore said "all right." Bolen said that he learned that none of his clerks or deputies would receive more than \$1200 a year and concluded that Eary would not be satisfied with such a position.

Rev. Linebaugh was placed upon the stand by the plaintiff, but his testimony apparently shed no light on the case.

## NEW SUITS IN DISTRICT COURT.

Chas. H. Hough vs. American National Insurance Co., suit on insurance policy. Bond and Melton and Melton.

A. E. Hennings vs. J. W. Clark et al., \$117.07, abstract of judgment.

Wm. Cameron & Co. vs. Pete Hoffner et al. on note. Welborne & Durbin.

## MUSICAL CONTESTS TO BE HELD AT NORMAN.

Norman, Feb. 17.—Numerous applications have already been received for entrance in the high school musical contests to be held at the University of Oklahoma at the time of the annual intercollegiate events on April 23, 24 and 25. Two new contests will be held this year—one among girls' glee clubs and one among boys' glee clubs. The musical contests last year were confined to piano, voice and violin.

## STEAMER SINKS IN THE OHIO

Strikes Pier and is Swept into River by Swift Current—All on Board are Safely Taken to the Shore

Telegram by United Press.

Louisville, Ky., Feb. 17.—The steamer Queen City, bound from Pittsburgh to New Orleans, with a crowd of Mardi Gras excursionists, was swept into the Ohio river by a swift current when it tried to land here early today.

The vessel sank in eight feet of water after striking the pier, but no lives were lost. One hundred and ten passengers were taken ashore by life savers from the Louisville station.

Passengers rushed to the decks scantily clad when the vessel struck and it was with difficulty that the crew restrained many women from jumping into the water. Less excited passengers saved their baggage.

## Four Sailors Drown.

Telegram by United Press.

Orleans, Mass., Feb. 17.—Four sailors, members of the crew of the Italian bark Castagna, were drowned when the vessel was driven around today on the outer bar of Cape Cod, near Cape Hatteras, after a heavy sea.

Life savers brought eight men ashore frostbitten and almost unconscious. They left four bodies fished to the rigging and covered with ice.

## Duke Aged 24 Weds an American Woman of 58

Telegram by United Press.

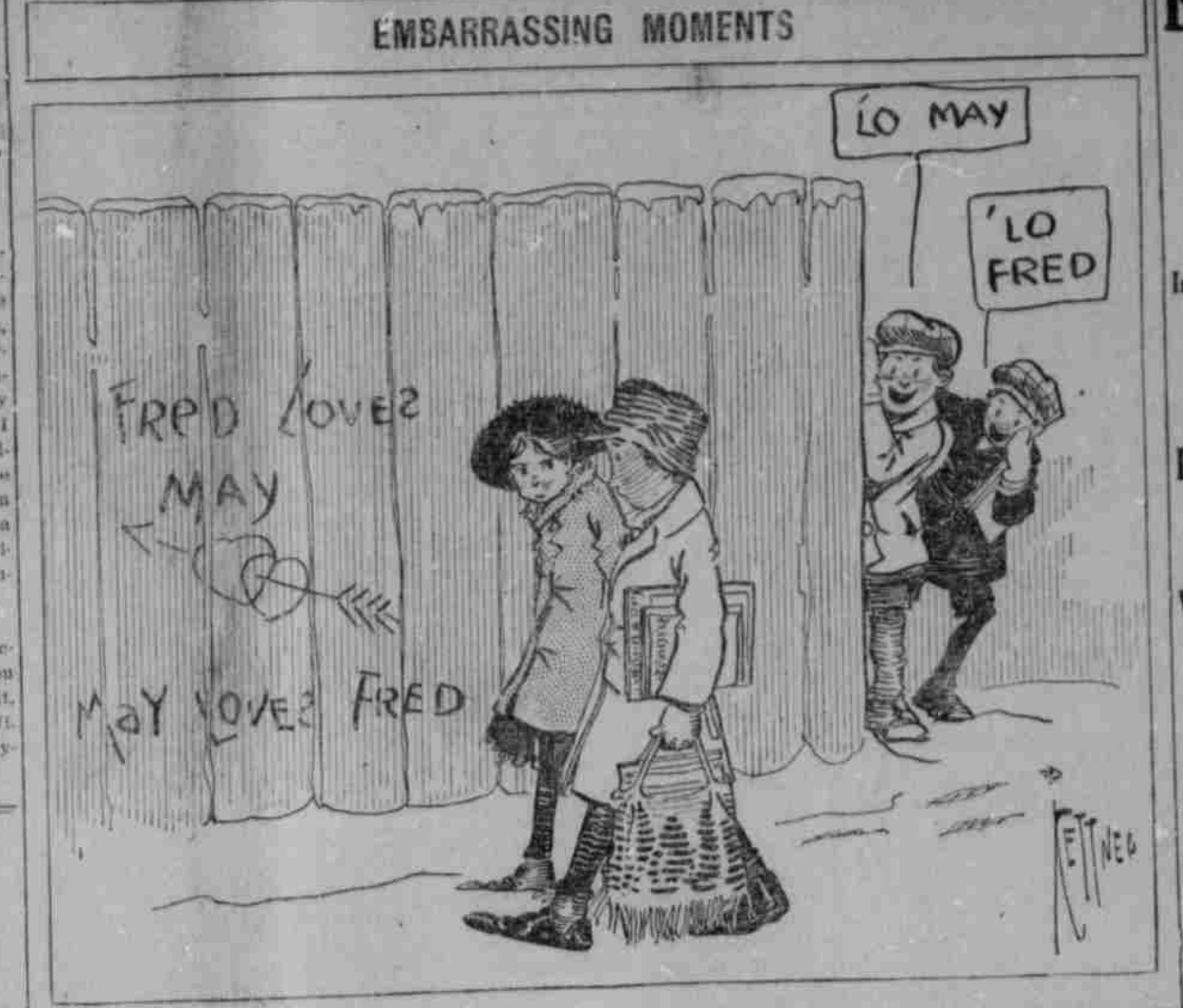
New York, Feb. 17.—The "ideal marriage" of the Duke Ben Arturo de Maio Durrazz 24, to Miss Elizabeth Frances Hanan, 54, sister of John H. Hanna, took place today at the bride's home, at 1073 Fifth avenue. The duke comes of an Italian family recorded in the "Book of Gold of the Nobility of Italy." His family dates back to 1272. His history is replete with romantic facts in the histories of the famous old Italian cities of Capau, Foggia, Lucera, Catanzaro, Venice, Naples and Rome. The father of the duke, Marquis Francesco Demio Durrazz, has been dead two years.

The romance consummated today began two years ago on board the Hanan yacht in the Mediterranean, when the duke was a guest of Hanan. He had begun a philanthropic movement in Italy for the scientific application of funds donated by the rich to the poor. Miss Hanan, who has devoted her life to such work, immediately became interested in him and his work. She had been variously reported to be engaged to marry many titled Europeans and many wealthy Americans.

## BISHOP'S DAUGHTER DEAD.

Telegram by United Press.

Chicago, Feb. 17.—Miss Margaret Quayle, daughter of Bishop Quayle of the M. E. church, died today in Wesley hospital of cancer.



## TO SPEND MILLIONS ON ROAD

According to a press dispatch from New York, one of the directors of the Rock Island has announced that a plan for readjustment of the holding companies' securities may be ready for presentation to the security holders this week. As yet the plan has not been fully formulated to take care of Rock Island company shares, but this, he said, would probably be settled at conferences of the readjustment committee, early this week.

To collateral bond holders the plan will be made more attractive by securing a large cash fund for improvement of the property through assessment of the New Jersey company shares, said the dispatch. Assessments have been proposed as high as \$20 a share, but it is believed \$10 will be finally decided on. The latter figure would give the Rock Island roundly \$15,000,000 for improvement of the property immediately. In return, these shareholders will probably receive stock in the operating company, but on a much reduced scale.

## EXPLOSION OF POWDER

Telegram by United Press.

Johnstown, Pa., Feb. 17.—The West Pennsylvania Powder Works at Tunknott were blown up this morning, the mixing house being blown to atoms. Other buildings are burning. The latest advices say two were killed and two are missing.

The concussion was felt here, 25 miles distant from the powder plant.

## LAST RITES FOR BACON

Telegram by United Press.

Washington, Feb. 17.—The final tribute to Senator Bacon of Georgia was paid today in the senate. There was no eulogy, no music, no flowers, but the simple funeral service of the Episcopal church to which the Senator belonged. Bishop Harding lead the service.

Seats were reserved for members of congress, the supreme court, navy, army, high officials, cabinet members and members of the diplomatic corps.

## THE WEATHER ELSEWHERE.

Western Union reports received at 8 a. m.:

Oklahoma.	Temperature.
Generally fair	40 to 42
Texas.	
Houston, clear	48
Dallas, part cloudy	46
Paris, clear	46
Sherman, clear	51
Corpus Christi, clear	46
San Antonio, cloudy	60
Amarillo, clear	25
Corpus Christi, cloudy	50
Abilene, clear	57
Waco, part cloudy	48
Texarkana, clear	47
Denison, clear	50
Mexia, clear	48
El Paso, clear	44

## DENVER VOTES ON BIG BOND ISSUE

Telegram by United Press.

Denver, Feb. 17.—Whether the city of Denver shall grant to the Denver Union Water company a 20-year franchise and vote \$3,000,000 in bonds to be loaned to the Denver & Salt Lake railroad for building the Moffat tunnel through James Peak are the two important issues at a special election being held today. The water company franchise is contained in a proposition fostered by the Denver Retail association as a settlement of the long standing controversy over the acquisition of the water plant by the city. A bitter campaign on this question has preceded the election.

The Moffat tunnel proposition provides for a \$5,000,000 loan to the railroad on the provision that the road will add \$1,500,000 to that sum for building the tunnel and guarantee repayment of the city's loan. In addition there will be retained on the ballot a charter amendment providing for a bi-monthly pay day for city employees, who are now paid once a month, and for an increase in the running time of local improvement bonds. Citizens will vote on five questions, as the water provisions consist of both a charter amendment and a franchise. All questions were initiated by the people.

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## COFFEE SHIPPERS PROTEST RATES.

Telegram by United Press.

Washington, Feb. 17.—Coffee shippers were granted a hearing today by the interstate commerce commission on their objections to a five per cent increase in eastern railroad freight rates.

## CORPORATIONS HEARD.

Telegram by United Press.

Philadelphia, Feb. 17.—Hearings began here today before the public service commission on applications for charters for companies desiring to furnish public utilities. Those who have objections to the granting of the "certificates of public approval" under the new law of 1912 also will have an opportunity to voice their opinions.

## TESTIFIES TO ATTACK ON WOMEN

Telegram by United Press.

Hancock, Mich., Feb. 17.—Women strike sympathizers on picket duty along the Houghton county road, were attacked by armed deputies and gunmen, were felled by heavy clubs and stoned and then shot at they fled, Mrs. Hiepla told the congressional investigation committee today.

Congressman E. T. Taylor of Colorado, chairman of the committee, Monday overruled the objections of the two Republican members and admitted in evidence the report made several months ago by Albert J. Murphy, a special investigator, sent to the copper fields by Gov. Ferris of Michigan.

Representatives Howell and Switzer objected on the ground that all the information on which Mr. Murphy based his conclusions were being brought before the committee and that it was not pertinent to the inquiry. Counsel of the mining companies put in so objection, but outlined that the purpose of Murphy's investigation was to determine whether the militia should be kept there and that his report could have no bearing on the situation as it exists today.

The strikers closed their case on one subject of inquiry, the causes leading up to the conditions that are alleged to exist and today they expect to introduce witnesses to show that the constitutional rights of citizens have been invaded.

Hubert Laux, a miner, testifying Monday said that under the contract system it was impossible for a miner to make a fair average wage. If he did well on one contract, the witness said, the miner would be cut on his next one.

Chairman Taylor remarked it appeared to him that it was the bosses who were trying to make a record for efficiency, who had caused all the trouble, if it were true, as had been testified, that the men had difficulty in taking their complaints higher up.

"We intend to show something about that," said one of the attorneys for the companies. "It has been the custom for years to try to get the men to come directly to the manager with their complaints."

## ORDERS GIVEN TO TROOPS TO MOVE

Telegram by United Press.

Eagle Pass, Feb. 17.—Thirty cavalry troops and a battery of the third field artillery stationed here were ordered to Fort San Houston to leave about February 20, marching overland. Also four troops of the third cavalry and a battery of field artillery at Laredo will leave February 22.

## EXPECTING TO BRING IN A GASSER

Important Developments Due Cement Well Today—Water Cased Off and Drill is Again Started

## LINDSAY WELL IS NOW 1070 FT. DEEP

Work Delayed by Blizzard and Absence of Driller—Well on Jones' Place Down 600 Feet

Through long and weary weeks and months, the Chickasha oilers have labored with time and money to determine whether or not the immediate territory is to become an oil center, and today is set as the day to mark the crisis in at least one section, while in another, the next ten days or even less will tell the story.

The bringing in of the Cement well on the Funk farm is set for today and thither have gone a number of men interested in the oil business at Cement and other locations. It was announced last night that the 600 feet of water that has stood in the well for a number of days was cased off, the well was cleaned out and this morning the drill would start again to site its way into what is believed to be sand productive of gas.

The men interested as well as others who purport to know more or less about the business, state that the finding of gas is more probable at this well than is oil, which conclusion has been gathered by the formations gone through and the fact that since the starting of the well there has been more or less gas encountered therein, and when at the present depth, it has increased materially in quantity, until its roar and rumble can be heard some distance from the mouth of the well.

Work at the Lindsay well has progressed slowly during the past week, owing principally to the fact that the lead driller was called to Sapulpa early last week on important business. On top of that came the blizzard of last week, stopping the work and only a matter of a day and a half was put in last week. They have, however, up to last night, arrived at a depth of 1070 feet and are drilling in a light colored shale formation, which fact leads to the belief that the end is near and that they will bring the well in within the next week.

Encouraging news also comes from the Pate Jones well. The work at that point has not been hurried, yet it has been steady and except for a few days' delay on account of the extremely cold weather, practically no trouble has been experienced. The drilling, also, has made a little slow as red beds have been encountered for some distance. The drilling is now at a depth of about 600 feet.

Rounding into form is the proposition of the Ben Hur people at Alex, and the drilling there is expected to commence shortly. At least definite progress to that end has been accomplished within the past week. The derrick is now complete and will be accepted by officers of the company today. In the hands of the officers in Chickasha are bills of lading for the greatest part of the machinery and a quantity of casing, which is enroute and expected the last of this week. Just the day for spudding in cannot be determined, as it is dependent in the main upon the arrival of the machinery.

## WEATHER FORECAST.

For Oklahoma:  
Tonight and Wednesday, fair.  
warmer tonight in extreme east portion; colder Wednesday.

Temperature Yesterday.  
Recorded by the local U. S. weather bureau observer:  
Maximum — 71  
Minimum — 54